IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6110 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RINABEN KISHORBHAI LOHANA

Versus

THE ORIENTAL INSURANCE CO.LTD

Appearance:

1. Special Civil Application No. 6110 of 2004

MR SANDEEP N BHATT for Petitioner No. 1

MR MAULIK J SHELAT for Respondent No. 1

RULE SERVED for Respondent No. 2

DELETED for Respondent No. 3-4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. The petitioner herein has preferred this petition in order to quash and set aside the order dated 01/10/2003 in Civil Misc.Application in M.A.C.P. No.154 of 1991 passed by the learned Assistant District Judge, Morbi, whereby, the application of the petitioner for the withdrawal of the amount lying in F.D.R. was rejected.

2. Heard learned counsel for the parties. From the averments made in the petition, it is clear that the petitioner requires the amount deposited in F.D.R. in her name, for paying up the dues which she has incurred on account of her marriage. Hence, the order dated 01/10/2003 passed in M.A.C.P. No.154 of 1991 is quashed and set aside. The petitioner is permitted to withdraw the said amount lying in the F.D.R. in her name. The Tribunal is directed to permit the petitioner to withdraw the said amount.

3. Hence, the petition stands allowed. Rule is made absolute accordingly.

(K. S. Jhaveri, J.)

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